

Remarks

The undersigned would like to thank the Examiner for a telephonic interview held on or about July 29, 2003, to clarify the rejection of the claims under 35 U.S.C. 112. In that interview, the Examiner agreed that the objected term "resistant to a chemotherapeutic agent" appeared only in claim 23, and thus affected claim 23 and claims dependent on claim 23, which are claims 29, 34, and 39. Thus, claims 25, 26, 30, 31, 35, 36, 41 and 42 should not have been rejected under 35 U.S.C. 112, first paragraph with regard to the term "resistant to a chemotherapeutic agent".

Claim 23 has been amended to clarify this terminology by incorporating the limitation of claim 24, thereby cancelling claim 24. In view thereof, the Examiner's rejection under 35 U.S.C. 112, paragraphs 1 and 2 should now be withdrawn.

Reconsideration is also respectfully requested of the rejection of the pending claims under 35 U.S.C. 103 as allegedly unpatentable over Lind et al. for reasons already of record.

Lind et al. describes thousands of compounds as simply antiviral agents for treating HIV. The disclosure in Lind does not address resistant strains of HIV or the use of a compound to treat an HIV resistant strain, specifically claimed in the present invention. The amendment to claim 23 should be considered in this rejection since the Examiner has specifically alluded to the scope of the claims being commensurate to the unexpected properties provided in evidence to overcome this rejection. It is clear that the pending claims support and are commensurate with the showing since only two compounds are specifically claimed in the methods claimed. These two compounds were not tested by Lind et al. and in fact, structurally similar compounds were shown to be less active against HIV than its most preferred compound, Troviridine. Troviridine differs in structure to one of the compounds identified as DDE 236 solely by replacing a substituted aromatic compound of the present invention with a 2-pyridyl group. Thus the closest compound of the prior art and also the most preferred compound of the prior art when compared

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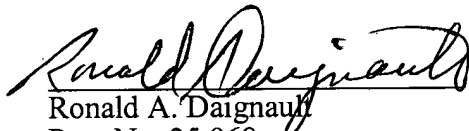
to the two compounds in the present invention is unexpectedly less active with regard to treating HIV resistant strains.

Since the Examiner has indicated he would favorably consider claims directed to those medicaments providing unexpected therapeutic benefits, it is respectfully submitted that the two compounds of the method claims as now pending should be favorably considered and the rejection under 35 U.S.C. 103 should be withdrawn.

It is respectfully submitted that the present application is now in condition for allowance. Prompt passage to issue is earnestly solicited.

Respectfully submitted,

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Date


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